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Total Number of Pages in This Submission

10

Application Number

10/051,000

Filing Date

22 January 2002

First Named Inventor

SNOW, FRANK J.

Art Unit

3629

Examiner Name

Naresh Vig

Attorney Docket Number

ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

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Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/
Incomplete Application

☐

Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a
Provisional Application

☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board
of Appeals and Interferences

☒

Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☐

Other Enclosure(s) (please identify
below):

Remarks

REPLY BRIEF

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Signature

Frank J. Snow

Printed name

FRANK J. SNOW

Date

21 March 2006

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Application No. 10/051,000 (Snow)
Art Unit: 3629

Page 1

A - Identification Page

In the United States Patent and Trademark Office

Applicant's Name: Frank J. Snow
Application Number: 10/051/000

Confirmation Number: 7785
Application Filing Date: 01/22/2002

Title of the Invention: Lunar and Planetary Land Property Allocation Method and System

Date Examiner's Answer Mailed: 02/23/2006

Date Reply Brief Delivered: 03/21/2006

USPTO Customer Service Window, ATTN: Mail Stop REPLY BRIEF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Appellant's Name: **Frank J. Snow**

Title of the Paper: **Reply Brief**

Sir: This Reply Brief is submitted in response to the Examiner's Answer,
mailed 02/23/2006.

Very Respectfully,

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Reply Brief Submission Date: 03/21/2006

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C - Status of Claims

This Reply Brief covers an appeal response to the USPTO final rejection of original claims **17** and **18** of patent application entitled Lunar and Planetary Land Property Allocation Method and System. The original patent application contains 18 claims, of which the first 16 claims were cancelled by applicant upon applicant receipt of a non-final rejection of all 18 claims. Original claims **17** and **18** are retained as part of applicant's response to the USPTO non-final rejection action.

D - Grounds of Rejection to be Reviewed on Appeal

Whether claims **17** and **18** are unpatentable under 35 U.S.C. 103(a) over MoonShop.com in view of "Modern Real Estate Practice" by Galaty et al, hereinafter known as Galaty.

E - Argument

THE DEFINITIVE STEPS ISSUE

Appellant submits that Examiner's Answer, on pages 2 and 3, presents no new information regarding the first 8 of 9 appeal status elements. However, examiner introduces new information with respect to **(9) Grounds of Rejection** with the following new examiner statement: "Applicant has not claimed definitive steps in the method claims."

Appellant respectfully submits that applicant has claimed definitive steps in the [business] method claims. More specifically, appellant presents, in claim 17, a five page set of claim limitations that are intended to present a very specific and highly delineated "method of doing business" set of claimed definitive business method steps.

THE PHONY ISSUE

Appellant submits that Examiner's Answer further includes examiner's previously used term "phony" to describe appellant's concept of a Deed of Claim. Both appellant's Specification and Claims make clear that a Deed of Claim is not "phony".

The beginning of claim 17 includes the following text elements:

" ... wherein, the primary function of the deed [of claim], and so stated in the deed's contents, is to provide an accurate and detailed description of the location and boundary of the parcel, and not to indicate any legal ownership of the parcel.";

" ... wherein, the value of the deed is to be based on the possibility that, at some future time, the U.S. Government may choose to claim some part of the Earth's Moon, and as a consequence, may choose to encourage lunar development by establishing a land grant program:"

" ...wherein, as a further consequence, the government may choose to recognize a land grant claimant's ownership of the Deed of Claim for a specific land parcel as an essential element of the claimant's request for the specific land parcel:".

Appellant respectfully submits that the above text makes clear how a Deed of Claim has a potential for future value with respect to appellant's business method invention.

THE PROMISE AND AUTHORIZATION ISSUE

Appellant submits that Examiner's Answer (10) **Response to Argument** on page 6 introduces two new and improper concepts to describe appellant's invention.

The first improper examiner concept includes the absence of invention operability, e.g., you can't "sell a promise" of future deed of claim conversion to deed of ownership without first demonstrating that you have U.S. Congressional "authority". The words "promise" and "authority" are examiner introduced.

Appellant submits that, since such a "promise" is never made, inferred or implied in the present invention specification or claims (see claim 17 text elements above), It follows that there is no basis for examiner's requirement for appellant to demonstrate "authority".

THE NON-FUNCTIONAL DATA ISSUE

The second examiner-introduced new concept (in **(10) Response to Argument**) is that of "appellant is claiming a non-functional data in a method claim". This concept is introduced by examiner with respect to appellant's claim of providing a novel and very specifically described [Lunar] map and photographic imagery set.

Appellant submits that the provided "non-functional data" (appellant's specifically defined and described map and photographic imagery data set) is a novel and valuable product component of appellant's business method invention.

THE OFFICIAL NOTICE ISSUE

Examiner employs "Official Notice" to establish that the claimed business method documentation package contents is a business choice, e.g., that the contents would be obvious to "one skilled" in combination with MoonShop. Examiner also employs "Official Notice" to state that "It is a business choice to decide how to subdivide the [lunar] property."

Appellant respectfully submits that "Official Notice" and "business choice" employment with respect to the subject documentation package and to the subject property subdivision is improper.

It is improper because examiner is employing impermissible hindsight to conclude that "one skilled" would arrive at the novel, specific and highly delineated full set of claim 17 limitations, in addition to the associated Specification Description, that address the subject method details.

It is further improper since examiner provides no specific evidentiary data or information to support examiner's application of "Official Notice" or "business choice."

Further, it is believed that this concept of Official Notice is improper since examiner has not shown and cannot show instant and unquestionable demonstration as being well known.

EXAMINERS SAMPLE PLATS ISSUE

Appellant submits that the three sample plats included in Examiner's Answer as evidence of an anticipation of appellant's Master Map and Chart Set of the Lunar Tract are improper.

The three sample plats evidence is improper for the following reasons:

- 1) None of the three indicate appellant's claimed use of lunar property bounds of specifically and only lines of latitude and longitude, a specific parcel size of 1/3 degree

by 1/3 degree, and further, a property subdivision specifically related to the location of the six Apollo spacecraft lunar landing sites.

2) All of the three indicate specific and acceptable (for the period dates shown) property descriptions. However, examiner is employing impermissible hindsight to conclude that "one skilled", with knowledge of the "sample plats", would be motivated to generate appellant's specifically claimed Deed of Claim, lunar subdivision plan, and the specifically claimed three pairs of increased-detail map-and-photo images.

3) Appellant is claiming a business method that includes a specific subdivision of lunar property. Appellant is not claiming a method of portraying property subdivision. The sample plats indicate specific property subdivision plans (different from appellant's) and alternative methods of portraying property subdivision

CLAIM 17 LIMITATIONS ISSUE

Appellant respectfully submits that examiner has not met the necessary burden of addressing all of the limitations of claim 17 as a single claim set.

It is submitted that all other elements of Examiner's Answer have been fully addressed previously by appellant.